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APR 15 1932
CHARLES ELMORE CROPLEY
CLERK

No. 23

# In the Supreme Court of the United States

OCTOBER TERM, 1931

INTERSTATE COMMERCE COMMISSION, PUBLIC UTILITIES COMMISSIONER OF OREGON, AND PUBLIC UTILITIES COMMISSION OF THE STATE OF IDAHO, APPELLANTS

*v.*

OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY ET AL.

*ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON*

## STATEMENT OF JURISDICTION

# In the Supreme Court of the United States

OCTOBER TERM, 1931

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No. 820

INTERSTATE COMMERCE COMMISSION, PUBLIC UTILITIES COMMISSIONER OF OREGON, AND PUBLIC UTILITIES COMMISSION OF THE STATE OF IDAHO, Appellants

*v.*

OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY et al.

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*ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON*

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## STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellants submit herewith their statement showing the basis of this Court's jurisdiction in the above-entitled cause.

## STATUTES

Section 5 of the Commerce Court Act (c. 309, 36 Stat. 539; U. S. C., Sup. III, Title 28, Sec. 45a).

Section 238 of the Judicial Code as amended by the Act of February 13, 1925 (c. 229, 43 Stat. 936, 938) paragraph (4) (U. S. C. Title 28, Sec. 345).

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Urgent Deficiencies Act of October 22, 1913 (c. 32, 38 Stat. 208, 219, 220; U. S. C. Title 28, Sec. 47 and 47a).

**DECREE**

The decree sought to be reviewed was entered on January 29, 1931. (R. 202.)[1]

The petition for appeal (R. 206) was filed and the order allowing the appeal was entered March 18, 1931 (R. 213). Citations of appeal with service acknowledged were filed on March 18, 1931, and December 11, 1931. (R. 1, 3.) Orders enlarging the time to March 31, 1932, to docket the case in this Court were allowed, and the case was docketed here March 23, 1932.

**THE NATURE OF CASE AND RULING BELOW**

This suit was brought to enjoin, set aside, suspend and annul a certain order of the Interstate Commerce Commission (R. 63) made and entered December 3, 1929, in a proceeding entitled No. 19680, *Public Service Commission of Oregon* v. *Central Pacific Railway Company et al.*, 159 I. C. C. 630.

The proceeding before the Commission was instituted by the Public Service Commission of Oregon by complaint (R. 59) seeking an order requiring

[1] All references to the record are to the pages of the certified unprinted record prepared by the Clerk of the District Court and on file with the Clerk of this Court. The record has not yet been printed.

the construction of an extension of the railroad of the Oregon-Washington Railroad & Navigation Company from a point at or near Crane, Oreg., to a point of connection with the line of the Southern Pacific Company at or near Crescent Lake, Oreg.

A hearing (R. 185) was had before the Commission and an order was issued by the Commission requiring the Oregon-Washington Railroad & Navigation Company to construct the extension.

The appellee Oregon-Washington Railroad & Navigation Company in its petition to the court below alleged that the order of the Commission was invalid for various reasons.

Hearing was held before a statutory court of three judges. An opinion was rendered (R. 185) holding that the Commission's order was invalid, and a final decree (R. 202) was entered permanently annulling, enjoining, and setting it aside.

The United States, one of the defendants below, did not join in the appeal, and summons and severance was served. (R. 215.)

**CASES**

*United States* v. *Erie Railroad Co.*, 280 U. S. 98; *Assigned Car Cases*, 274 U. S. 564; *Interstate Commerce Commission* v. *Goodrich Transit Co.*, 224 U. S. 194; *Interstate Commerce Comission* v. *Chicago, Rock Island & Pacific Railway Co.*, 218 U. S. 88.

We respectfully submit that this Court has jurisdiction of this appeal by virtue of the statutes above cited.

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APRIL 15, 1932.

U. S. GOVERNMENT PRINTING OFFICE: 1932